

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 6th day of February, 2001:

<u>Present</u>	<u>Vote</u>
James S. Burgett, Chairman	Yea
Donald E. Wiggins, Vice Chairman	Yea
Walter C. Zarcmba	Yea
Sheila S. Noll	Nay
H. R. Ashe	Yea

On motion of Mr. Wiggins, which carried 4:1, the following resolution was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1 – YORK COUNTY CODE) TO REVISE THE DEFINITION OF THE TERM “MARINA” AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS FOR “EATING FACILITIES” ASSOCIATED WITH MARINAS

WHEREAS, it has come to the attention of the York County Board of Supervisors that the definition of the term “marina” is not clear as to the permissible characteristics of “eating facilities” that may be included in the marina operation; and

WHEREAS, the ambiguities in the current definition and the absence of any specific performance standards concerning “eating facilities” create difficulties in the administration of the Zoning Ordinance and the potential for incompatibilities between marinas with eating facilities and their adjacent land uses; and

WHEREAS, in the interest of good zoning practice, the Board wishes to consider amendments to the definition and the addition of appropriate performance standards;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 6th day of February, 2001, that it does hereby sponsor an application to amend Sections 24.1-104, Definitions, and Section 24.1-462, Standards for marina, dock or boating facility (commercial), of chapter 24.1 – Zoning – of the York County Code to revise the definition of marina and the requirements applicable to marinas with eating facilities.

BE IT FURTHER RESOLVED that said application be, and it is hereby, referred to the York County Planning Commission for review and recommendation of the following proposed amendments in accordance with the applicable procedures.

Section 24.1-104 Definitions

Marina. A facility designed for dockage, storing, servicing, berthing, fueling, repairing or securing of primarily pleasure boats and which may include accessory and incidental eating and retail facilities in accordance with the performance standards established in this chapter.

- **Wet Slip.** A marina where boats are docked and secured in the water. Covered or uncovered slips may be provided.
- **Dry Storage.** A marina where boats are stored on land, either indoors or out, which may include provisions for transfer to and from the water by mechanical means upon request.

Section 24.1-462. Standards, for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas of Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (d) Accessory and incidental "eating facilities" associated with marinas shall be subject to the following requirements:
 - (1) A marina may provide and include an eating facility with a maximum seating capacity of 12 persons, subject to compliance with all applicable site plan requirements. A Special Use Permit shall be required for any eating facility having a capacity in excess of 12 seats.

Unless otherwise approved by the Board of Supervisors at the time of use permit approval, the maximum number of seats in the eating facility shall not exceed 50% of the number of wet slips in the marina (i.e., a maximum of one (1) seat for every

two (2) slips). The Board may, however, establish a seating limitation of less than this ratio if deemed necessary to prevent adverse impacts on the surrounding area or road systems.

- (2) The eating facility shall be designed and operated to serve primarily the patrons of the marina. For the purposes of this section, marina patrons shall be those people whose boats are docked or stored at the marina, either on a long-term or transient basis, or those people whose boats are being serviced or repaired at the marina, and the accompanying guests of the patrons, as defined.
- (3) The hours of operation for the eating facility shall be limited to those hours when the marina is in full operation. Full operation shall be defined as those times when all marina docking and storage services and facilities are available and operational and the appropriate marina staff is on duty.
- (4) The eating facility shall not include a dance floor nor shall live musical performances be allowed in the facility.
- (5) The eating facility shall not be identified separately from the marina in any signage, advertising or publicity.
- (6) The eating facility shall not be made available for meetings, receptions or other functions not associated with the marina operation. This limitation shall specifically preclude the reservation or rental of the facility for receptions or parties open to the general public.
- (7) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application and shall be subject to the approval by the Zoning Administrator or the Board of Supervisors as to compatibility with surrounding land uses. Any outdoor speaker systems associated with the eating facility shall be designed and operated so as to not be audible on any adjacent properties. All outdoor seating shall be counted toward the maximum seating ratio established above.

A Copy Teste:


Mary E. Simmons
Deputy Clerk